

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 2113**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 09/742,946	§	Examiner: Ke, Peng
Filed: December 20, 2000	§	Group/Art Unit: 2174
Inventor(s):	§	Atty. Dkt. No: 5150-52100
Rogers and King	§	
	§	
Title: System and Method for	§	
Performing Type Checking For	§	
Hardware Device Nodes in a	§	
Graphical Program	§	

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Dear Sir/Madame:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Advisory Action mailed August 17, 2006. Claims 1-52 are pending in the present case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claims 1-14, 16-29 and 31-52 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Teranishi et al. (USPN 6,117,183) (hereinafter referred to simply as "Teranishi"). Furthermore, Claims 15 and 30 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Teranishi in view of McKaskle et al. (USPN 5,481,741) (hereinafter referred to simply as "McKaskle"). Applicant respectfully traverses these rejections based on the following reasoning.

With respect to Claims 1, 18 and 32, the Teranishi and McKaskle references do not teach or suggest propagating information from a first hardware device node to a second hardware device node, where the information specifies the hardware device with which the first hardware device node is associated. Regarding this feature, the Examiner states:

“Teranishi teaches this limitation because Teranishi locates the problematic sign[al] path within a circuit. (column 4, lines 1-25) In order the [sic] locate the problematic path, Teranishi simulates the circuit (column 6, lines 17-30) and its components and that requires propagating information from one hardware device node to another device. (column 6, lines 46-58, column 8, lines 12-53)”

Applicant respectfully disagrees. Teranishi teaches extracting (i.e., identifying) a signal path that does not satisfy a target cycle time as an error path based on signal path data (SPD) 44, where the signal path data contains a delay value calculated for each signal path from the component placement data (Col. 4, lines 1-5). This extraction process does not in any way suggest the existence or use of nodes in a graphical program. Thus, it is not possible that the extraction process could suggest propagating information from a first hardware device node to a second hardware device node, where the information specifies the hardware device with which the first hardware device node is associated as recited in Claims 1, 18 and 32.

In the Final Action, at lines 5-6 of page 14, the Examiner states that “Teranishi simulates the circuit”. Applicant notes that Teranishi never suggests simulating the functional behavior of the displayed elements (such as elements L0 through L12 of Figure 2). Teranishi appears to be concerned with the computation and display of time delays associated with worst case paths in order to enable the user to move components in a way that decreases the worst case time delays (See Col. 4, lines 6-58 and especially Figure 3).

Therefore, Claims 1, 18 and 32, and their dependents, are additionally distinguished over the cited references.

With respect to Claims 10, 26 and 39, Teranishi never suggests any of the following features recited in these Claims:

“associating the first hardware device node with a first hardware device class in response to user input”;

“selecting a method or property of the first hardware device class for the first hardware device node in response to user input”;

“changing the first hardware device node to have an association with a second hardware device class in response to user input”; and

“performing type checking to determine whether the method or property is valid for the second hardware device class, in response to said changing the first hardware device node to have an association with the second hardware device class”.

The notion of hardware device class is entirely missing from Teranishi. Thus, it is not possible to reasonably construe Teranishi as teaching the operation of associating a hardware device node with a hardware device class, or, the operation of selecting a method or property of a hardware device class as recited in Claims 10, 26 and 39. Therefore, Claims 10, 26 and 39, and their dependents are additionally distinguished over the cited references.

Furthermore, each of the independent claims recites something similar to: “displaying a first hardware device node in a graphical program in response to user input, wherein the graphical program comprises a plurality of interconnected nodes or icons, wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program”. (Underlining added)

Applicant’s specification defines the term “graphical program” in part at page 3, lines 17-27:

In response to the user constructing a diagram or graphical program using the block diagram editor, data structures may be automatically constructed which characterize an execution procedure which corresponds to the displayed procedure. The graphical program may be compiled or interpreted by a computer. (Underlining added)

Therefore, Kodosky et al teaches a graphical programming environment wherein a user places or manipulates icons and interconnects or “wires up” the icons in a block diagram using a block diagram editor to create a graphical “program.” . . . Thus, a user can create a computer program solely by using a graphically based programming environment. (Underlining added)

The Teranishi reference never teaches or suggests anything close to a graphical program or to a node in a graphical program.

Applicant submits that the component placement diagram of Figure 2 of Teranishi is not a graphical program as recited in the claims. Teranishi never suggests that the displayed items L0 through L12 and their interconnections visually indicate the functionality of a program. Furthermore, there is no sense in which the component placement diagram defines a program which can be compiled or interpreted by a computer.

On page 14 of the Final Action, the Examiner states that “Teranishi teaches a graphical program because Teranishi discloses a graphical user interface that allows a user to move, update, and associate virtual objects. (column 4, lines 51-68)”. It appears that the Examiner is confusing a

graphical user interface that allows a user to manipulate virtual objects with the graphical program. A graphical program is a program whose functionality is visually indicated by the plurality of interconnected nodes or icons as recited in the claims. Teranishi nowhere teaches or suggests plurality of interconnected nodes or icons that visually indicate the functionality of a graphical program. Applicant notes that the McKaskle reference teaches the concept of a graphical program. However, the McKaskle reference does not teach or suggest the claim elements argued above, and further the McKaskle reference is not properly combinable with the Teranishi reference.

Therefore, the independent claims and their dependents are patentably distinguished over the cited references at least for the reasons given above. Thus, all the pending claims are believed to be allowable. Removal of the 102 and 103 rejections of the claims is respectfully requested.

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-52100/JCH.

Also filed herewith are the following item(s):

☒ Notice of Appeal

Respectfully submitted,

/Jeffrey C. Hood/

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Date: September 7, 2006 JCH/MKB